

Amendments to the Drawings

FIG. 4 has been amended to include the identification number 9 for the microscope slide represented in the figure.

Attachment: Replacement Sheet 3/10
Annotated Marked-Up Drawing

REMARKS

Applicant appreciates that the Examiner found the subject matter of Claims 6-9, 15 and 16 allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims have been rewritten as suggested and are now new claims 19-24.

FIG. 4 has been amended to correct an oversight. The label for the microscope slide in FIG. 4 was incomplete. The number 9 has been added to complete the identification of the microscope slide.

Claims 2-12 and 14-18 were objected to because “[t]he term ‘An apparatus’ should be changed to ‘The apparatus’ since a proper antecedent basis for the term is established in the independent claims.” Claims 5-9, 11, and 14-16 have been canceled. Claims 2-4, 10, 12, and 17-18 have been amended as suggested by the Examiner.

Claims 10 and 11 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claim 11 has been canceled. The Examiner stated that “Claim 10 recites a well capable of holding an aliquot of reagent over the fluid port. However, according to the Specification and the Drawings, it appears that the well is a part of port 19 (see line 29 page 13 – line 1 page 14 & Fig. 6). According to the claim, the well is located above port 19.” Claim 10 has been amended to recite that the fluid port further comprises “a reagent well capable of holding an aliquot of reagent prior to the reagent passing into the cavity.” As amended, Claim 10 complies with 35 U.S.C. 112, first paragraph.

Claims 1-5, 10-14, 17, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stapleton *et al.* (US 5,346,672) in view of Saxon *et al.* (US 4,927,765).

Claims 5, 11, and 14 have been canceled. Claims 1-4, 10, 12-13, 17, and 18, as amended, are non-obvious over Stapleton in view of Saxon. Each of the amended claims recites a valve that is positioned at the fluid port and a conduit capable of opening the valve. Neither Stapleton

nor Saxon discloses, teaches, or suggests a conduit capable of opening such a valve. The Examiner stated that Stapleton teaches the claimed valve because “[t]o prevent contamination of the specimen, the device comprises a valve in the form of a flexible bladder 60 that plugs port 56 and vents chamber 36.” However, the flexible bladder 60 disclosed by Stapleton is not a valve as claimed in the present invention. In fact, the flexible bladder 60 is part of a plug 58 that is used to minimize reagent evaporation. There is no conduit capable of opening a “valve” of Stapleton. Thus, the rejection under 35 U.S.C. §103(a) is respectfully traversed and reconsideration is requested.

Information Disclosure Statement

It is noted that the Examiner did not initial the non-US patent references cited in the Form PTO-1449 form dated October 28, 2003. It is believed that these references were properly cited and provided in the parent application, 09/549,414, now U.S. Patent No. 6,673,620. For the Examiner’s convenience copies of these references (AL-AO and AR-AV) and a new Form PTO-1449 are being provided. Applicant requests that the Examiner consider these references.

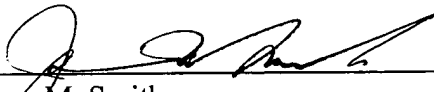
Since these references were properly cited in the parent application, it is believed that no fee is due at this time. If this is incorrect, please charge any deficiency in fees to Deposit Account 08-0380.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
James M. Smith
Registration No. 28,043
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 

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